

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WISCONSIN**

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JOHN RULLI,  
on behalf of himself and all  
others similarly situated

Plaintiffs,

v.

Case No. 09-C-289

CB RICHARD ELLIS, INC.,

Defendant.

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**ORDER**

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On **January 7, 2011**, this court conducted a telephone status conference. The plaintiff and opt-in plaintiffs appeared by Attorney Larry Johnson and the defendant, CB Richard Ellis, Inc. (CBRE), appeared by Attorneys Allen C. Schlinsog, Jr., Michael D. Karpeles and Ruth A. Bahe-Jachna. During the conference, the court discussed with counsel the parties' joint stipulation regarding discovery. (Docket # 75). Based on the discussion at the hearing, the court enters the following order,

**NOW, THEREFORE, IT IS HEREBY ORDERED** that the defendant shall make available for depositions, the current CBRE employees listed in paragraph 1 of the parties' joint stipulation regarding discovery and such depositions shall be completed by **February 15, 2011**.

**IT IS FURTHER ORDERED** that should any of the above depositions not take place by **February 15, 2011**, for any reason, the parties shall file a motion by **February 22**,

**2011**, to address the situation and to ask the court to make any necessary scheduling adjustments or to compel any of the above named deponents to appear at their deposition.

**IT IS ALSO ORDERED** that based on the joint stipulation, the defendant agrees to withdraw its Rule 26(c) expedited non-dispositive motion for protective order. (Docket #66). The plaintiffs agree to withdraw their Notice of 30(b)(6) Deposition Regarding the Wisconsin Class (served on December 3, 2010), as well as their Notices of Deposition and subpoenas for Gregg Luther and Vicky Gronowski (both served on December 7, 2010).

**IT IS FURTHER ORDERED**, based on the parties' stipulation, that the defendant's Motion for Decertification of the Wisconsin Putative Class members, together with its brief, is due by **March 18, 2011**. The parties are to follow the local rules with respect to the briefing of the motion. Counsel are to provide paper copies of the motion, along with supporting documentation, directly to the judge's chambers. Such copies are to be clearly marked "COPY" on the first page of each document submitted.

**IT IS ALSO ORDERED** that, based on the parties' joint stipulation: "The joint stipulation is not intended to be and shall not be construed to be an extension of the court's order dated **November 10, 2010**, regarding the close of discovery. (Docket #65). Rather, by this joint stipulation, the parties intend to document their agreement to complete the discovery specifically stated herein after the **December 15, 2010**, deadline for completion of discovery regarding the Wisconsin putative class. Consistent with the prior Orders entered in this case [Docket Nos. 59 and 65], the parties acknowledge and agree that the issue of whether and when plaintiffs may file a motion for conditional certification of a national class shall continue to be deferred until at least such time as the court holds a

status hearing on CBRE's motion for decertification after briefing thereon has been completed and the parties respectfully request such a date from the court."

**IT IS ALSO ORDERED** that the parties shall appear for a telephone status conference on **June 7, 2011 at 2:00 p.m.**, before this court to address whether and when plaintiffs may file a motion for conditional certification of a national class. The court will initiate the conference call.

Dated at Milwaukee, Wisconsin, this 12<sup>th</sup> day of January, 2011.

BY THE COURT:

s/Patricia J. Gorence

PATRICIA J. GORENCE

United States Magistrate Judge